

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS**

UNITED STATES OF AMERICA,

Plaintiff,

v.

**ATLAS TACK CORPORATION and
M. LEONARD LEWIS,**

Defendants.

Civil Action No.

04 11880 WGY

**MOTION OF THE UNITED STATES
FOR AN ORDER IN AID OF IMMEDIATE ACCESS**

The United States of America, on behalf of the United States Environmental Protection Agency, ("EPA"), by and through the undersigned counsel, respectfully moves this Court for an Order in Aid of Immediate Access, pursuant to Section 104(e)(5) of the Comprehensive Environmental Response, Compensation and Liability Act of 1980, as amended ("CERCLA"), 42 U.S.C. § 9604(e)(5), granting EPA immediate access to the property owned by Atlas Tack Corporation and controlled by M. Leonard Lewis, in his individual capacity, to conduct a remedial action on the Property, selected by EPA in its Record of Decision ("ROD") for the Site, issued on March 10, 2000, and identified in EPA's August 2, 2004 Request for Access to Property and EPA's Administrative Order Directing Compliance With Request For Access, EPA Docket No. CERCLA -01-2004-0088, dated August 18, 2004 and made effective on August 25, 2004 (the "Access Order"). The property to which EPA seeks access is located at 83 Pleasant Street, Fairhaven, Massachusetts (the "Property" or "ATC Property"), and is part of the Atlas Tack Corporation Superfund Site.

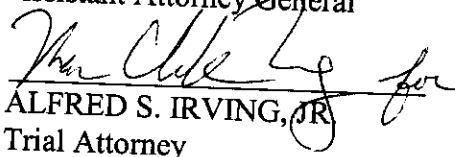
The United States respectfully requests that the Court grant the relief sought because:

(1) the United States is authorized under Section 104(e) of CERCLA to enter the ATC property, but has not been able to obtain access by consent of the owner of the Property or the person exercising control over the Property; and (2) any delay in the performance of the selected remedial action delays the cleanup of the Property and the Site and also may result in the continued release or threat of release of hazardous substances to the environment.

The grounds for this Motion are set forth in the accompanying United States' Memorandum Of Law In Support Of Motion Of The United States For An Order In Aid of Immediate Access. The United States, simultaneously with the instant Motion, is filing with the Court a "Notice of Filing of Certified Index To The Administrative Record," with EPA's certified index of the administrative record for the selected remedy. A proposed Order in Aid of Immediate Access also accompanies this Motion.

Respectfully submitted,

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ALFRED S. IRVING, JR.
Trial Attorney

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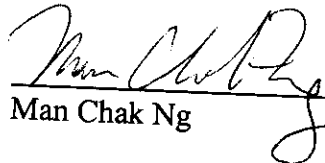
CERTIFICATE OF SERVICE

On this date, I served the attached United States' Motion for an Order in Aid of Immediate Access and Memorandum of Law in Support of Motion of the United States for an Order in Aid of Immediate Access on the persons listed below via first-class mail.

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For M. Leonard Lewis:
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August 27, 2004


Man Chak Ng